

## Women, drugs and the death penalty: framing Sandiford

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# WOMEN, DRUGS AND THE DEATH PENALTY: FRAMING SANDIFORD

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Article: This article examines the impact and significance of women subject to capital punishment for drug offences. Women are subject to the death penalty for drug offences; wherever data are available they describe low-level offenders, primarily drug mules. Sandiford's death sentence prompts widespread discussion about her, her culpability and the appropriateness of her punishment drawing on drug war discourse, and death penalty tropes. Framing analysis reveals the powerful and persistent nature of gendered binaries. The use of capital punishment against female mules troubles the gendered binaries that underpin US-led drug war discourse, and highlights the death penalty as a gendered punishment.

**Keywords:** women; death penalty; drug offences; drug mules

Worldwide, women comprise around 30% of drug-trafficking arrests (UN Commission on Narcotic Drugs 2011), usually for low-level involvement, including as drug couriers/mules.<sup>1</sup> Drug trafficking is subject to a mandatory death penalty in ten countries, and resulted in an estimated 600 executions worldwide in 2014 (Gallahue and Lines 2015). This article is the first to examine the intersection between women's criminalisation for drug offences and the international use of the death penalty for these offences. Consistent with the precepts of feminist criminology we explore the gendered

nature of punishment (Belknap 2015; Carlen 2002; Malloch and McIvor 2013) and make women visible by gathering the scant data on women sentenced to death for drug offences in relation to the 'war on drugs'. This 'war' has been profoundly gendered, both in terms of the discursive meanings produced, and in its impact on criminal justice. In addition to demonstrating that women receive capital punishment for drug offences, we also explore their discursive significance. Here we fulfil a further aim of feminist criminology: to deconstruct gendered meaning in relation to women's offending and punishment (*inter alia*, Maidment 2006; Naffine 1997; O'Neill and Seal 2012; Seal 2010). A global level analysis of discourse is neither possible, nor desirable, since it would obscure the importance of nationality. To this end, we focus on the UK and offer a framing analysis of *Mail Online*'s coverage as it relates to the case of Lindsay Sandiford, a 56-year-old British woman arrested and charged with drug trafficking in 2012 after 4.8 kilos of cocaine were found in her suitcase when she arrived at Ngurah Rai International Airport in Indonesia. Sandiford is simultaneously exceptional, in being a Western white woman on death row for drug smuggling, and unexceptional in being a foreign national sentenced to death in Indonesia for this crime, where over half of those on death row are drug offenders. Sandiford is the first British woman to be given a death sentence for drug trafficking, although others have been subject to the death penalty overseas, including Linda Carty in the USA. Twenty-two Britons are currently on death row abroad, including ten convicted of drug offences (Perring 2015); a small fraction of the hundreds of Britons arrested overseas annually for drug offences.<sup>2</sup> As a woman, Sandiford has received a greater degree of news coverage since she was arrested, in comparison with British men arrested for drug offences overseas. By combining empirical and discursive analyses, we explore the significance of gender for capital punishment.

First, this article offers a brief overview of drug war discourses and illustrates the ways in which they are underpinned by gendered binaries. Next, we examine the global use of the death penalty for drug offences, examining its subjects and, in particular, women. Third, in the second half of the article, we analyse the framing of Lindsay Sandiford's case as a way of examining the gendered meanings that continue to underpin both the death penalty and the war on drugs.

### **Drug War Discourse and the Death Penalty**

Discourses do not *cause* punishment, *per se*, but they play a vital role in justifying and legitimising those who can be punished and the nature and extent of their punishment. United Nations International Drug Control Conventions<sup>3</sup> are the foundation of a global approach to drugs. The United Nations Conventions establish, globally, the notion of drugs and traffickers as a 'threat' and as 'evil', rather than a matter of health requiring regulation, for example (Crick 2012). International conventions (and their supporting discourses) are incorporated into national laws and policy reflecting distinct legal systems, culture and history (Bancroft 2009). However, as a powerful first world nation, the USA has played a significant role in defining the drug problem, including through the United Nations (Crick 2012), as well as international aid (Corva 2008). Although the USA is increasingly departing from the metaphor of a 'war', this discourse is remarkably persistent.

The contemporary use of the death penalty for drug offences arguably owes much to President Nixon's declaration of the 'war on drugs' in the USA in 1971 (Green 1998). The metaphor of a war relies on a 'binary logic of representation': 'Oppositional terms (man/woman, white/black, rational/irrational, mind/body and so on) are constructed in a system of value which makes one visible and the other invisible'

(Young 1996, p.1). Drug war discourse is underpinned by a series of binaries: traffickers/citizens; insiders/outsideers; victims and victimisers, and – especially relevant here – male and female.

Nixon famously stated: ‘Narcotics addiction ... comes quietly into homes and destroys children, it moves into neighborhoods and breaks the fiber of community which makes neighbors ...’ (cited in Shleifer 2011, p.vii). Children, as the nation’s future citizens, are made hypervisible as potential victims of drugs. Echoing Nixon, President Reagan defined the threat posed by cocaine as ‘an urgent matter of national security’ (del Olmo 1996, p.33), and so the ‘war’ was directed both discursively and literally against an ‘external enemy’ (Fukumi 2008; Green 1998; Woodiwiss and Hobbs 2009). This is evident in supply-side interdiction policies undertaken in drug-producing nations (Metaal and Youngers 2011), as well as widespread securitisation and profiling of foreigners, including at airports (Green 1998). The UK paid for, and installed, passenger-scanning machines in Jamaica, dramatically increasing arrests there (Foreign and Commonwealth Office 2007). Drug war discourses are also intensely racialised and Western drug policy especially criminalises black and racial minorities, in particular, women (Bush-Baskette 2004; Sudbury 2002).

Drug war discourse is profoundly gendered, especially evident in the notion of the ‘drug trafficker’. By the 1980s the ‘drug trafficker’ appeared in popular and political discourse as an ‘an ideological cue, a shorthand reference encompassing ... menace, evil, greed, depravity and corruption’, at least in the USA and UK (Green 1998, p.78). The external enemy in drug war discourse is implicitly male. Drawing on an analysis of US films about drugs, Boyd (2007) notes that drug traffickers are represented as militarised, foreign, and a threat to the morality of the nation’s (young, white) women. Threats include not only vulnerability to drug addiction, but also exploitation in the

drug trade. Schemenauer (2012) also notes that drug war discourses establish the state as paternalistic protector, especially of young women as potential bearers of future generations.

The female drug mule does not neatly fit this gendered binary: as traffickers they are potential villains, but as women they are potential victims. Discursively, they are subtyped as an exploited victim, tending to prop up the notion of an evil trafficker (Harper, Harper and Stockdale 2000). In reality, most of those punished by drug war politics are not drug war bosses, but low-level users and sellers. This number also includes mules; many of whom are foreign and/or ethnic minorities and often motivated by poverty. A large volume of research from the 1990s onwards documents a significant number of women drug mules serving sentences of up to 14 years for their minor role in drug trafficking. Research comprehensively documents that women are disproportionately, and more harshly, punished than their male counterparts (Giacomello 2013; Malinowska-Sempruch and Rychkova 2015). Although women are often understood as 'collateral' damage in the 'war' on drugs, their incarceration is an inevitable outcome of international agreements requiring that nations demonstrate their efforts toward drug prohibition (Fleetwood 2014).

### *Drug War Discourse: Contemporary Iterations*

Discourses about drug traffickers as an evil menace and threat to national security render them worthy of the harshest punishments. Despite spearheading the war on drugs, and maintaining capital punishment federally for drug offences, the USA has never carried out the death penalty on a drug offender (Gallahue and Lines 2015). Nonetheless, the notion of drugs, and those who trade them as 'evil', renders them worthy of the harshest punishment: the death penalty.

Most countries that execute drug offenders have drug laws dating from the 1980s onwards (Hood and Hoyle 2015). It is often assumed that the death penalty is an issue pertaining to national sovereignty and history, but in fact most countries have *introduced* or increased capital punishment for drug offences in response to international drug treaties/the US-led war on drugs (Gallahue and Lines 2015). The exceptions are China and Iran, who have had the death penalty for drug offences since the 1950s, arguably influenced by global drug prohibition led by the United Nations (Gallahue and Lines 2015). Reprieve's (2014) research powerfully tracks a close relationship between international aid and a rise in executions for drug offences, especially in Pakistan (p.12).

Conversely, capital punishment may also be employed as a marker of 'cultural exceptionalism', distinguishing South East Asian countries from former colonial European powers. The emphasis on 'Asian values' such as communitarianism and order justifies the death penalty in Singapore and Malaysia, where the drug trade is understood to threaten, and potentially weaken, the whole society (Novak 2014). This was further underlined by its disproportionate use against foreign nationals, most starkly in Indonesia (where almost all of those executed were foreign traffickers). Singapore and Malaysia both exhibit a downward trend in relation to execution rates; the Singaporean death penalty was restricted in scope in 2012 and Malaysia is considering abolition of the mandatory death penalty (Novak 2014). However, the region offers a mixed picture with the deployment of anti-drugs rhetoric in Indonesia and the Philippines to support official and extrajudicial execution.

The notion of protecting the nation's children remains politically powerful, not only in the USA (Shleifer 2011) but further afield.<sup>4</sup> Discourses about protecting youth underpin the recent rise in the death penalty (as well as extra-judicial killings) in South

East Asia. In Indonesia's 'drug war', drugs are framed as a national threat, especially to young people. In 2015, following the execution of 14 foreigners for drug trafficking, Indonesia's President Widodo stated: 'Every day 50 young Indonesians die; in one year that is 18,000 dead' (Jabour 2015). His claim regarding the spectacular number of deaths was rapidly disproven (Stoicescu 2015), but four more 'traffickers' were executed in 2016, three of them from Nigeria (BBC News 2016).

President Duterte of the Philippines ramped up anti-drug rhetoric and action to unprecedented viciousness. Duterte appeared to admit to murdering drug dealers, and offered impunity to anyone murdering drug users and traffickers (Human Rights Watch 2017). Although anti-drug discourse in the Philippines bears similarity to that originating in the USA, Duterte's political discourse was stridently anti-Obama (Smith 2016) – he is more positive about President Trump (Rauhala 2016).

### **The Death Penalty for Drug Offences: Global Trends**

In 1979, only ten nations prescribed the death penalty for drug offences; today this number is 33, and in ten nation states, including Iran, Iraq, and Singapore, it is a mandatory punishment (Gallahue and Lines 2015). The death penalty runs contrary to the right to life, prompting international bodies to state that it violates international law (Amnesty International *et al.* 2016). Article 6 of the United Nations International Covenant on Civil and Political Rights permits capital punishment only for the 'most serious' offences. Nonetheless, the United Nations, including the Office on Drugs and Crime, states that drug offences do not constitute the 'most serious' offences.

Approximately 600 people were executed for drug offences worldwide in 2014, mostly in China, Iran, Saudi Arabia, Vietnam, Singapore, Malaysia and Indonesia (Gallahue and Lines 2015), running against the global trend toward abolitionism



(Amnesty International 2017).<sup>5</sup> In some countries, drug offences comprise a significant portion of executions. In Iran, where the death penalty is a mandatory punishment for drug trafficking, over half of executions (2012–14) were for drug offences (Gallahue and Lines 2015, p.14). During the same period, drug offenders comprised around 30% of those executed in Saudi Arabia (Gallahue and Lines 2015, p.14). In 2014, drug offenders comprised 63% of those executed in Vietnam and 100% of those executed in Indonesia (Gallahue and Lines 2015). Many hundreds are on death row for drug offences worldwide (Amnesty International 2016b). In Thailand, over half of the 413 people on death row are drug offenders (Amnesty International 2016a, p.41). In Vietnam, 47 new death sentences were given out in 2015, of which 27 were drug-related (Amnesty International 2016a, p.41). Over half of those on death row in Indonesia, are convicted drug offenders (Death Penalty Worldwide 2016).

Figures are, unfortunately, only an estimate. In some countries, such as China, they are a state secret (Gallahue and Lines 2015). Elsewhere, drug offenders may be tried as terrorists; for example, in Iraq, large-scale drug-trafficking offences can be categorised as terrorism (Death Penalty Worldwide 2016).<sup>6</sup> This compounds legal ambiguities in the classification of ‘drug trafficking’, which can include international transport, cultivation, street level dealing and even possession for personal use (Gottwald 2006). Drug offenders are vulnerable to extrajudicial punishments. Human Rights Watch (2014) documents extrajudicial killing of drug users and dealers in Mexico, El Salvador, Honduras, and Guatemala, and records that 2,800 individuals were extrajudicially killed in Thailand’s ‘war on drugs’. At the time of writing this article, more than 7,000 alleged drug addicts and dealers have been extrajudicially killed in the Philippines following President Duterte’s election in May 2016, not only in police operations, but apparently also by members of the public (Human Rights Watch 2017).

The targets of the death penalty are rarely those at the 'top' of the drug trade, but tend to be low-level offenders, especially drug mules (Green 1998). Research on drug mules routinely documents the criminalisation of vulnerable individuals, many of whom became involved due to coercion, exploitation and threats (Huling 1996; Sudbury 2002). Where the law does not distinguish between roles in the drug trade, users and street dealers may be executed as 'drug traffickers'. Only Singapore recognises drug mules as a distinct category and exempts them from capital punishment (Novak 2014).

Foreign nationals are especially vulnerable to the death penalty for drug offences. Of those executed in Saudi Arabia in 2015, 46% (73 of 158) were foreign nationals (Amnesty International 2016a, p.54). In Indonesia in 2014, 13 out of the 14 people executed were foreign nationals, including men from Brazil, the Netherlands, Vietnam, Malawi, and Nigeria (Phipps 2015). In 2016, three of the four drug offenders executed were foreign nationals (Lamb 2016). Most were low-level traffickers and probably mules. One, Martin Anderson, a Ghanaian man, was arrested with just 50 grams of heroin (Phipps 2015). This quantity is so small as to barely be profitable, suggesting that he may have been used as a decoy (see Fleetwood 2014, p.87). Since drug mules are likely to become involved due to debts or poverty, they are often unable to fund an adequate legal defence.

### **Women, the Death Penalty and Drug Offences**

Reflecting the fact that the death penalty has been overwhelmingly meted out to men, little attention has been paid to women; their number seemingly being too few to count (exceptionally, Hoyle 2015). Whilst this is true for murder, which has been traditionally most associated with the death penalty, women are criminalised for drug offences at an extraordinary rate, representing around 30% of worldwide arrests for drug trafficking

(UNODC 2011). The number of women in prison worldwide has increased by about 50% since 2000, much faster than the number of men (Walmsley 2015), mainly due to drug offences (Penal Reform International 2015). In Southern Europe and Latin America, drug offenders comprise up to three-quarters of the female prison population (Giacomello 2013; Iakobishvili 2012). Research confirms that women are most frequently to be found at the lowest level of the drug trade, especially as drug mules (Fleetwood 2014). Yet, little is known about the extent to which they are subject to the death penalty.

Data on women subject to the death penalty are admittedly extremely scant, and sex is not routinely reported.<sup>7</sup> Data regarding women may be even more closely guarded than for men. In Iran for example, executions of women are less likely to be officially reported than those for men since they are controversial (Iran Human Rights 2012). This section draws on available data from civil society organisations and press reporting. Available data confirm that a small but significant number of women are subject to the death penalty for drug offences, and that in some nations, drug offences are the primary driver behind capital punishment for women. Like their male counterparts, many are foreign, from poor countries; many are mules.

China leads the world in executions, including for drug offences. Although no official data are available, international reporting reveals that a number of women have been executed for drug trafficking. In 2013, a Filipina woman was executed for carrying approximately six kilos of heroin into China (Santos 2013a). She was the fifth Filipino to be executed in China for drug offences; most of those (three of the five) executed were women (Santos 2013b). At that time, 213 other Filipinos were imprisoned in China for drug offences (Santos 2013a). An estimated 200 Zimbabweans are on death row in China for drug offences, of which ‘most’ are women (Murwira 2016).

In Iran, drug offences have been the main driver of capital punishment since 2010, and women are not exempt (Death Penalty Worldwide 2016; Gallahue and Lines 2015). In 2015, 19 women were executed, of whom at least 13 were drug offenders (International Campaign for Human Rights in Iran 2016, p.28). Although this is a small portion of the 1,052 people executed for drug offences that year, this is an established trend. Eighteen of 26 women executed in 2014, and 21 of 30 executed in 2013 were drug offenders (Iran Human Rights 2015, pp.5, 7). Whilst women represent a small portion of the total number of executions, drug offences dominate women's executions in Iran. Similarly, in Thailand, most (80%) of the 50 women on death row in 2016 were drug offenders (Amnesty International 2016a, p.41). This is much higher than for the general population, where around 50% are drug offenders (Death Penalty Worldwide 2016), yet, as a low application state few are executed (Gallahue and Lines 2015). In Indonesia, two women were executed in 2014, both for drug trafficking (described below); a small number, including Lindsay Sandiford, are on death row.

Saudi Arabia 'is one of the very few states in the world which have a high rate of executions for women' (Amnesty International 2008, p.36). Amnesty International notes that at least 40 women (mainly foreign workers) have been executed since 1990, including 40% for non-violent offences, including drug offences (Amnesty International 2008, p.36). Similarly, 40% (64) of the 158 executed in 2015 were drug offenders (Amnesty International 2016a p.47).<sup>8</sup> This number included four women, all foreign nationals (Amnesty International 2016a, pp.47, 53). Amnesty International reports that women, especially foreign national women, are disproportionately likely to be subject to capital punishment, noting insufficient legal support and systemic discrimination (Amnesty International 2008). By contrast, women may be less likely than men to be executed in some nations. In 2012, Pakistan recommenced executions, following a long

moratorium. Over the past ten years,<sup>9</sup> 47 women were awarded the death penalty, but none were executed (Human Rights Commission of Pakistan nd). In contrast, 3,027 men were awarded the death penalty, and 603 men were executed for drug offences (Human Rights Commission of Pakistan nd).

Where we could find media or non-governmental reports describing the women subject to executions for drug offences, all were low-level offenders typically involved due to poverty, including the following:

- Leila Hayati was executed in Iran for drug offences in 2011. Amnesty International reports that she, and two other women also subject to the death penalty at that time, were low-level drug offenders involved due to poverty. All were the breadwinners in families with young children (Amnesty International 2011).
- Two women were executed in Indonesia in 2015 for drug offences. Tran Bich Hanh (from Vietnam) was charged with importing just over 1 kilo of methamphetamine concealed in her stomach. Rani Andriani (from Indonesia) was reportedly a drug mule, paid to carry 3.5 kilos of heroin into Indonesia (Open Society Foundation 2016).
- Mary Jane Veloso, a Filipina woman, escaped execution for drug trafficking in Indonesia in 2014. She alleged that she had been trafficked into carrying drugs. She was given a stay of execution to act as a witness in the case against her trafficker who came forward at the last minute (Holmes 2016).
- Nguyen Thi Huong, a 73-year-old Australian woman, was convicted of trafficking heroin into Vietnam, concealed in bars of soap in her luggage. She claimed that the soap was given to her, and she did not know she was carrying drugs. Her death sentence was commuted to life in 2016 (Associated Press and News Corp Australia Network 2016).

Data may be scant, but they demonstrate that women, especially foreign nationals, have been awarded death penalty sentences and some have been executed for drug offences in China, Iran, and Indonesia. Women are also on death row in Thailand, Pakistan, and Vietnam for drug offences. In some countries – such as Iran, Thailand, and Indonesia – drug offences dominate capital punishment against women. In other countries – such as Pakistan and Saudi Arabia, women comprise a small portion of drug offenders sentenced to death. Very little information on the significance of gender in capital punishment legal cases and proceedings is available: we could find information only on Saudi Arabia, where women are disproportionately punished. Press reporting on those women executed for drug offences finds women involved at the lowest level – mostly as drug mules. Some – such as Lindsay Sandiford, Nguyen Thi Huong, and Mary Jane Veloso – claim that they did not know they were carrying drugs.

### **Discursive Analysis: Gender, National Identity and Justice**

The existing literature on women and the death penalty focuses on execution for murder, mainly in the USA; there is also historical scholarship on Britain and Ireland (see Ballinger 2000; Black 2016). This examines the rarity of women's execution, attributable to the comparatively small number of female murderers and differences in the types of murder committed by women and men (Rapaport 1991; Streib 2006). Arguments about 'chivalry' or leniency, either in relation to capital sentencing or the exercise of mercy, have also been mobilised to explain this rarity (Shapiro 2000; Shatz and Shatz 2012). Feminist legal scholars and criminologists have highlighted capital punishment as a form of gender discipline, which delineates the boundaries of normative femininity (Ballinger 2007; Heberle 1999). Although it is unusual for women to be executed, negative judgments of their sexuality, race, and lack of respectability

potentially make them more vulnerable to the death penalty (Heberle 1999; Philofsky 2008; Seitz 2005).

Instances where women are subject to the death penalty act as flashpoints for public discussion. The centrality of the body to capital punishment means that in certain women's cases, femininity becomes a spectacle and the state's violence in enacting the death penalty becomes overt (Kaufman-Osborn 2002; Rose 1988). The bodies of younger women who are perceived as glamorous and sexually attractive become a focal point for anxieties about both femininity and the death penalty (Seal 2014). Wider cultural meanings of appropriate womanhood, but also of family life, national identity and justice, circulate in relation to such cases (Seal 2014). Portrayals of female drug mules facing the death penalty evoke similar tropes, as well as some new ones. Drug trafficking is different from murder: it is not violent, although it may be perceived as socially harmful. Trafficking drugs does not involve the same level of gender transgression as women's use of fatal violence, especially since female drug mules are frequently understood to play secondary or minor roles (Fleetwood 2014). Significantly, women on death row for drug offences are often foreign nationals, meaning that their cases are potentially redolent of competing meanings of national identity.

Australian Schapelle Corby avoided a death sentence when she was convicted of importing marijuana into Indonesia in 2005, although she received a long prison sentence. In the Australian news media, she became a 'visual symbol of Australian identity and values' and a 'symbolic mobilization of the vulnerable western self' abroad (Lambert 2008, p.244). Her case was a 'national obsession' and her guilty verdict was met with outrage in Australia (Middleweek 2017, p.14). As a young white woman, Corby's body signified Australian democracy and racist interpretations of whiteness

under siege (Lambert 2008; Middleweek 2017). The case of Lindsay Sandiford, a British woman on death row in Indonesia, is very different, both in terms of her sentencing and her gendered portrayal. In some respects, Sandiford's case is more sympathetic: she co-operated with the police, assisting the arrest of three members of a drugs syndicate, all British, who she claimed had forced her to smuggle cocaine by threatening to harm her son. Despite this, the judge gave the death penalty even though the prosecutor sought a 15-year sentence. Her appeals against the death sentence, and for clemency, have so far been unsuccessful.

The rest of this article offers a case study of how Sandiford and her capital case for drug smuggling was framed on *Mail Online*, the website of the *Daily Mail*. *Mail Online* is the most widely-read online newspaper in the UK and worldwide (Mance 2016). It has been particularly successful in driving traffic *via* the sharing of its articles on Facebook and is frequently linked to social media (Harcup and O'Neill 2016). Its prominence and reach make it a good source as a case study of the media portrayal of a woman sentenced to death for drug trafficking, as does the sustained and supportive coverage that *Mail Online* has given to Sandiford. *Mail Online* gave significantly more attention to Sandiford than any other newspaper or newspaper website.<sup>10</sup> This is especially notable because as Hoyle (2015) argues, as a 'middle aged, British woman, without young dependents' Sandiford has for the most part received relatively little media attention (albeit more than most British men in similar circumstances). *Mail Online* is the exception.

Well known (and sometimes notorious) for its socially-conservative perspective, the *Mail* is generally supportive of 'law-and-order' style criminal justice policies. Nevertheless, it has also engaged in campaigns highlighting criminal justice failures, such as when it argued for the prosecution of the killers of Stephen Lawrence in the late



1990s (McLaughlin 2005). Its coverage of Sandiford's case similarly highlights perceived failures of justice, albeit in a very different context. Despite its largely punitive orientation, the *Mail* does not, as part of its editorial line, advocate the return of capital punishment in the UK, although individual columnists have done so (see Hitchens 2012).

Our analysis focuses on public discussion in a UK-based news source, albeit one with an international readership. The drug war may be globalised, but punishment is enacted and understood in relation to particular national contexts. And while the United Nations may be identifiable as a site of global discourse about the death penalty, it says little about women. We focus on the UK to understand the discursive interplay between women, drugs and the death penalty.

### *Media Framing Analysis*

News frames create an 'interpretive package' and are 'how the media explains events and organizes reports' (Yachi 2014, p.677). They create particular viewpoints from which to present stories (Altheide 1996), highlighting certain elements of reality and suppressing others (Yachi 2014). Frames determine how issues will/will not be represented (Altheide 1996). The chosen frames make certain aspects of a story more salient than others, and shape interpretations of causes and moral evaluations (Yachi 2014). Media frames are constructed through language, and are visually constituted through images. News sources can be understood as constituting public debate on an issue (Baumgartner, De Boef and Boydston 2008). This does not mean that their readers necessarily agree with their interpretation of an issue, but that it is brought to wider attention and enters public discourse through its media representation. Since there are few sources of reliable information on women, drug offences and the death penalty,

news media coverage of certain women's cases is one of the only forms of readily-available information on this issue, making it essential to analyse the meanings it creates.

Criminologists increasingly pay attention to the relationship between text and image in news media portrayals and to the importance of visual representation in conveying the meaning and emotions of crime stories to audiences (Ayres and Jewkes, 2012). Visuals can be read instantaneously and are remembered for longer than are words (Jones and Wardle 2008; Wardle 2007). Analyses of images in crime news highlight that the selection of photographs imposes meaning and has an ideological role (Ayres and Jewkes 2012; Jones and Wardle 2008; Wardle 2007); for example, through separating the worthy from the unworthy (Ayres and Jewkes 2012). The visual representation of women criminals is under-explored (Barlow 2016), but is essential given the prominence of images of women's bodies in a range of media, including on *Mail Online* (Garde-Hansen and Gorton 2013). Harcup and O'Neill (2016) define arresting audio-visuals as significant enough to constitute a contemporary news value in their own right. *Mail Online* makes strong use of visuals; stories typically feature several large photographs.

What follows is a framing analysis, paying attention to both text and images, of Lindsay Sandiford's case on *Mail Online* from her arrest in May 2012 to September 2016.<sup>11</sup> Articles were found by searching the website for mentions of Lindsay Sandiford. Those only mentioning her briefly or in passing were discounted, leaving 62 articles that form the basis of the analysis. Three dominant frames were identified inductively from paying close attention to the text and visuals, and the relationship between them: grandmother/mother, unfairness, and human rights. The frames overlap and interrelate with one another, but do represent different elements of the story. They illustrate the

gendered framing of Sandiford, but also other aspects of the construction of her story which were not solely related to her gender identity. Individual articles contained at least two, and often all three, of the frames.

### Grandmother/Mother Frame

The significance of Sandiford's gender was established through this frame. Media framing is gendered; there are 'different framing patterns in the news about women and men' (Nacos 2005, p.437). Frames reinforce and perpetuate gendered stereotypes, particularly in relation to femininity. Sandiford was repeatedly identified with family connections such as 'housewife', 'mother', and predominantly 'grandmother'. This situated her in relation to her family but also underlined the novelty of her case. In contrast with the more supportive tone of the articles themselves, headlines described her as 'Drug-smuggling British granny', 'Firing squad granny' and 'Cocaine gran', enhancing their 'clickability' and 'shareability' on social media. The word most commonly paired in the articles with grandmother was 'British', demonstrating the importance of nationality. Despite its global reach, *Mail Online* is characterised by identification with Britishness and describing Sandiford as 'the Briton' (Parry 2013b) included her in the British imagined national community. Imagined communities are constructed and reproduced symbolically and discursively, for example through news stories (Anderson 1983).

Sandiford's death sentence caused an early shift in her gendered framing. Initial news reports detailed how she 'rented a £275,000 property in Cheltenham' (Shears and Reynolds 2012), was 'a former legal secretary' (Martin and Shears 2012) and 'to many, she was [a] respectable middle class mother'. However, she was also described as 'a neighbour from hell' (Shears and Reynolds 2012), who ran up debts and came to the

attention of the police. These articles framed Sandiford as disreputable, despite being from an aspirational, middle-class, Middle England background. Early reports suggested she had squandered her life chances and made bad choices – in other words, was culpable for her plight. At this early stage, coverage employed the insider/outsider binary frequently used to depict drug traffickers (Taylor 2008), with Sandiford represented as a disreputable ‘outsider’ in her middle-class community. As the prosecutor initially requested a 15-year sentence, it appeared that Sandiford had evaded execution. The subsequent, unexpected death sentence in January 2013 was a turning point; portrayals of Sandiford as disreputable disappeared from reporting.

*Mail Online* mobilised tropes of grandmotherhood and domesticity, enhancing Sandiford's sympathetic portrayal. She was described as ‘knitting jumpers for family and friends back home’ (Parry 2013d), and making ‘a Christening blanket for her granddaughter’ (Parry 2016). A photograph of her knitting was frequently used in articles and, unlike many photos of her in court or prison, she looks at the camera enabling a connection with readers. Sandiford knitting visually highlights the stark contrast between her incarceration in an Indonesian prison and the cosiness and safety of home, particularly associated with grandmothers.

By offering a sympathetic portrayal of Sandiford, coverage invited readers to empathise with her. Seal (2014) emphasises the significance of capital punishment as an emotional issue in the mid-20th-Century British press, which portrayed it as subject to collective sentiment. Empathy is dependent on Sandiford being ‘one of us’. Framing her in terms of family connections and grandmotherhood made her worthy of pity, but also made her recognisable. This was also achieved by accentuating her remorse. Most photographs of Sandiford construct her as both sorrowful and sorry. Many show her looking down, with her head in her hands or with her face or head covered by a scarf.

Some of these shots no doubt resulted from Sandiford's attempts to avoid the cameras but their visual effect was to show her as repentant.

Sandiford's willingness to 'take responsibility' was another element of her recuperation into gender norms. She stated: 'What I did was wrong and I should be punished for it', while noting her co-operation with the police (Parry 2013d). In an article, Sandiford describes having 'committed a heinous crime' but also underlined her hard-working respectability when she lived in Britain, explaining: 'I always worked and I always paid my taxes. When my eldest boy was born I had just two weeks off work' (Sandiford 2015). She sought to instantiate herself as a moral agent worthy of help. Nevertheless, her appeal to the UK government to fund her legal costs was refused. As a foreigner in Indonesia she was not entitled to legal representation; Reprieve reported numerous problems with her initial trial, including errors made by the translator (a student with inadequate English). Her self-portrayal as a hard worker who had contributed to the UK (and could therefore be entitled to its protection) was not merely discursive but had real-life consequences. In 2013, 390 people (mostly British) donated £10,903 to fund her legal appeal in Indonesia.<sup>12</sup>

Remorse and taking responsibility were important, but the main explanation mobilised by *Mail Online* for Sandiford's actions was coercion. This is a stock narrative in news stories to explain women's co-offending with men and to account for the actions of female drug mules (Barlow 2015; Fleetwood 2014). Either they have been tricked into transporting drugs, or threatened with dire consequences if they refuse. This well-established discourse framed Sandiford as not a 'real' trafficker. She was quoted from her trial as stating: 'I would never have become involved in something like this but the lives of my children were in danger' (Black 2013) and the threat to her sons was underlined in other articles (Parry 2015a). This explanation highlighted a lack of

culpability as well as a selfless act as a mother to protect her son, thereby discursively recuperating her into normative femininity. Sandiford (2015) also framed her actions within gender norms, stating: 'When she [granddaughter] grows up, I want her to know I wasn't a bad person. I was coerced into committing this terrible crime and I did it because I thought it was the only way to protect my youngest son, her uncle'.

Via the coercion narrative, *Mail Online* aligned Sandiford with the 'right' side of the drug war discourse (despite earlier stories suggesting that she had trafficked marijuana from India to Indonesia). The vulnerability of her son to evil drug traffickers highlighted illegal drugs as dangerous to, and corrupting of, young people, echoing Nixon's notion of the drug war. Significantly, the portrayal of Sandiford as a motherly/grandmotherly protector, and the space given to her own explanations, accorded her some agency, transcending the simplistic binaries of female drug mules as victims or villains. Sandiford's age was important: as a woman in her late fifties, discourses of innocence and naïvety were not readily applicable, and nor were portrayals of imperilled young white womanhood in need of rescue from non-white 'others' (see Lambert 2008; Middleweek 2017). The representation of Sandiford's case contrasts with that of young, white, Western women, such as Schappelle Corby.

### Unfairness Frame

The sympathetic framing of Sandiford was counterbalanced by the vilification of two of Sandiford's co-accused (Julian Ponder and Rachel Dougall) whom Sandiford helped to convict. Ponder received a six-year prison sentence and his former partner, Rachel, only a year. Paul Beales, also involved, was sentenced to four years. Simply by drawing this contrast between Sandiford's death sentence and the sentences of the others, *Mail Online* established the unfairness of her treatment. A headline from January 2013 asked:

'Is that justice?' (Shears 2013a). This disparity was directly mentioned in seven articles, with others highlighting the release of Dougall and Beales, and the comparatively lenient treatment of Ponder in prison.

Stories described Ponder as 'Mr Big' (Parry 2013a, 2015b) and the 'mastermind' and 'ringleader' of the drug-smuggling syndicate (Parry 2015b; Shears 2013a), activating stereotypes of the exploitative 'drug lord'. Ponder was portrayed as a villain; he was described as a 'cocksure' and 'brash' individual who 'bragged he would not be sentenced to death' (Parry 2013a; Shears 2013a). Ponder, as 'mastermind', was consistent with well-established gendered stereotypes of male traffickers as the 'brains' of drug smuggling, while women are the exploited 'bodies' (Fleetwood 2014). These gendered understandings of drug smuggling were evident, with Ponder as the evil trafficker and Sandiford as his victim – although her portrayal, nonetheless, reflected a degree of her agency.

Sandiford stated her belief, in an interview, that the 'reduced charges and light sentences' of her co-accused were secured through bribes but 'because she had no money, she says she never had the chance to pay her way out of trouble' (Parry 2013d). Stories underlined the wealth differential between Sandiford and the others. Rachel Dougall was reported enjoying 'an afternoon on a boat as Lindsay Sandiford languishes on death row' (Parry and Creasy 2013), and Beales 'toast[ed] his freedom on a golfing holiday in Thailand after being released early from jail' (Parry 2015c). Despite being imprisoned, Ponder was reported to live the high life while Sandiford suffered the privations of death row: *Mail Online* reported that he 'boasts of enjoying booze and drug fuelled parties behind bars – where he has a personal chef – and a model girlfriend waiting outside to marry him when he is released' (Parry 2015b).

Stark comparisons between Ponder's riches and Sandiford's bare existence in prison drew on drug trade binaries highlighting clearly that the 'real' criminal had not been properly punished. Furthermore, Ponder, Dougall, and Beales were depicted as disreputable because they had taken the 'easy' route to riches through drug crime and had caused the suffering of others in the process. This was also clear in accompanying photographs showing Ponder as vulgar and flashy. A photo of him wearing dark glasses and leaving his prison cell frequently accompanied articles, as did another of him walking without a shirt. Another depicted him eating steak and chips, captioned that it had been prepared by his chef (Parry 2015b). Visual cues of his excessive lifestyle (even in prison), such as sunglasses and a big cigar, signalled the illicit business discourse associated with drug trafficking.

Significantly, many articles juxtaposed photographs of Ponder and Sandiford emphasising the gendered binary of evil male trafficker/female victim. Whereas she is frequently shown looking down, emphasising her remorse, Ponder looks straight ahead. Similarly, a picture of Dougall wearing a white shirt and pushing back her hair was used repeatedly. Unlike Sandiford, Dougall is not ashamed, her face is bared for all to see. Reporting of her release from prison, which meant that she was reunited with her daughter while Sandiford was 'still in Kerobokan', featured two pictures taken with a long lens of Dougall drinking beer aboard a yacht in Brighton Marina (Parry and Creasy 2013). She was a 'glamorous' bad woman in contrast to Sandiford, the knitting grandmother (Parry 2013a). Dougall, although a woman, was not portrayed as Ponder's victim. Instead, the emphasis on her wealth and ability to escape harsh punishment cast her as an 'emancipated equal', or 'queen pin' in the drug trade (Fleetwood 2014).

Gendered stereotypes of drug traffickers were incorporated into the framing of Sandiford's case as unfair, but unfairness is also a powerful, well-established critique of



the death penalty. Concerns that capital punishment was applied unfairly, including in cases with co-defendants, were frequently expressed in press coverage of, and public responses to, capital cases in mid-20th-Century Britain (Seal 2014).

### Human Rights Frame

This frame would, perhaps, not be readily associated with *Mail Online*, or, indeed, drug war discourse, but was a prominent element of the reporting of Sandiford's case.

Amnesty International extended the human rights frame to capital punishment when it pledged, in the late 1970s, to work for the global abolition of the death penalty.

Abolition subsequently became established as part of international human rights standards (Haines 2006). Framing the death penalty as a human rights issue 'only gained traction in Europe in the 1980s' but since then 'has been exported to the rest of the world – including Asia – with missionary vigor' (Johnson 2010, p.342). As Girling (2005) argues, the demand for worldwide abolition is a constituent aspect of European cosmopolitan identity, and rests on a 'narrative of the inescapable, inevitable appeal of human rights' (p.119).

*Mail Online's* editorial line is frequently hostile to human rights discourse and legislation (Gies 2011), but it employed this frame in relation to Sandiford's case. The human rights frame highlights the brutality of the death penalty by firing squad, as evidenced in the *Mail's* vivid description that Sandiford would be 'taken to waste ground ... blindfolded and shot through the heart' (Shears and Miller 2013). Such details may be used for their shock value, but perhaps also satisfy voyeuristic fascination with the death penalty (see Lynch 2000). Indeed, *Mail Online* had previously published a gratuitous photo essay of the final hours of three women drug mules executed in China under the headline: 'Facing their last moments with a smile' (Dewsbury 2011).

Nevertheless, the human rights frame enabled the portrayal of execution as an 'uncivilised' punishment, disproportionate to Sandiford's crime.

Dissent from this frame came from columnist Simon Heffer. In two columns (January and April 2013) he endorsed Sandiford's death sentence as a laudable example of taking 'the war on drugs seriously' (Heffer 2013a). He argued that those breaking drug laws 'deserve what is coming to them' and that Sandiford, as the 'author of her own misfortune' (Heffer 2013a), should not receive 'special treatment' (Heffer 2013b). Heffer's views were counter to all three of the frames through which *Mail Online* reported the story and, instead, explicitly aligned with the 'war on drugs' discourse, which advocates strong punishment to deter drug crime and conceptualises individual offenders as rational and blameworthy. This punitive framing no doubt resonated with some of *Mail Online*'s readership, but was distinct from the website's news reporting, and therefore overall framing, of Sandiford's case.

The British government does not fund legal representation for its citizens overseas, even in capital cases. *Mail Online* reported that Sandiford's law firm, Leigh Day, said that she 'had not been properly represented since her arrest at Bali airport' (Johnson 2013) and her MP, Martin Horwood, 'urged the Foreign Office to rethink its policy on support for Britons sentenced to death abroad' (Johnson 2013; Parry 2013c). Her Indonesian solicitor was quoted as stating: 'Even Indonesia tries to defend its citizens when they are facing serious problems overseas' (Shears 2013b), articulating a criticism of Britain, which as a European nation, should be expected to show a stronger commitment to protecting human rights. Sandiford's positioning as a member of the imagined national community via the grandmother frame further highlighted the UK government's failure to meet its responsibility to uphold her right to life. The unfairness

frame of her punishment was also relevant to the human rights frame, as it further bolstered the portrayal of her case as unjust.

## **Conclusion**

Drug offences comprise a significant facet of women's criminalisation worldwide. Here we have examined the sharp end of this 'wedge': women subject to capital punishment for drug offences. This article offers the first attempt to map out the scale of the phenomenon. Some tentative conclusions can be drawn. The first is that there is an important degree of similarity with men subject to the death penalty for drug offences: the majority are poor and foreign; most appear to be drug mules, or street sellers. The second is that women are subject to capital punishment: they can no longer be considered 'too few to count'. In Iran, Thailand, and Indonesia, drug offences were the main reason for women to be on death row or executed. Elsewhere (such as Saudi Arabia), women are executed in relatively small numbers. It is impossible to say whether women are more or less likely than men to be subject to the death penalty for drug offences, but it is probably the case that there is significant international variation.

Further research into women, drugs and the death penalty is needed: research in Saudi Arabia raises important questions regarding gender discrimination in the criminal justice system (Amnesty International 2008). We also note the lack of available data on women subject to capital punishment. Indeed, we found greater attention paid to foreign nationals and juveniles. These are recognised as specific categories worthy of note: we conclude that women ought to also join this list. States may not wish to draw attention to women executed for drug trafficking; non-governmental organisations need to break this silence.

The second section of this article examined media frames employed in *Mail Online*'s coverage of Lindsay Sandiford's case, the first British woman to face the death penalty for drug offences. Her arrest, and subsequent sentence to the death penalty, prompted public discussion about the contemporary nature of the death penalty including its appropriateness as a punishment for drug traffickers. Sandiford occupies an ambivalent position. *Mail Online* has provided sustained and supportive coverage of her case. However, Sandiford's name in Britain does not prompt recognition in the way that Schappelle Corby's did in Australia, for example. She has not become a *cause célèbre* and has received somewhat scant television news coverage. Historical parallels can be drawn with mid-20th-Century capital cases in Britain. Middle-aged women, regarded as past sexual attractiveness, did not generate the same degree or intensity of press coverage, or level of public response, as did Ruth Ellis (Seal 2014). The absence of spectacular femininity, or of the appearance of vulnerability due to youth, leads to lower cultural visibility.

This powerful intersection between gender and age needs to be recognised as highly significant. Framing Sandiford as a grandmother was important to *Mail Online*'s portrayal of her as sympathetic, but this inevitably positioned her as an older woman of relatively low cultural value. Whereas youth has often signified innocent victims in drug war discourse, she was not framed in this way. The context of the gendered binaries of drug war discourse also explains the cultural ambivalence toward Sandiford. As a British woman and a grandmother, she is a member of the imagined national community and an 'insider', but as a middle-aged woman of ambiguous respectability, she does not fit the familiar narrative of the naïve girl led astray by the 'real' traffickers. There are few stock portrayals of older 'criminal' women other than the discourse of the witch, a marginalised woman who poses a threat to the community (see Seal 2010). In

Indonesia, she was positioned as a threat to the nation and its children, rendering her punishable. Sandiford is ambiguously located in discourse: she is neither completely the vulnerable woman who has been coerced by villains, treated unfairly and had her human rights violated, nor a blameworthy trafficker.

The damages wreaked by drug war discourse have been comprehensively recorded, arguably contributing to a change of direction under President Obama. However, there is likely to be a renewal of the 'war on drugs' under President Trump, signalled by his reported approval for Duterte's anti-drug war in the Philippines (Villamor 2016). Although drug war discourse emanates from the USA, it has been exported worldwide and been adapted to the particular concerns of each national and political context, as can be seen in Indonesia and the Philippines, often with deadly consequences. The use of the death penalty against drug mules must be understood as a consequence of drug war discourse and policy. Such discourse relies on gendered binaries: trafficker/mule; outsider/insider. Although most of those executed are men, this number also includes women, sparking public discussion about the death penalty. Media coverage of Sandiford's case elucidates the powerful and persistent nature of gendered binaries in how the media frame her, which, in turn, profoundly shape how we, as members of the public, make sense of the death penalty.

## Notes

- <sup>1</sup> We use the terms ‘courier’ or ‘drug mule’ to describe people who carry drugs belonging to someone else across international borders.
- <sup>2</sup> In 2012 (when Sandiford was arrested), 669 Britons were arrested abroad for drug offences, including 36 in Thailand (Foreign and Commonwealth Office 2013). In 2015–16, 589 Britons were arrested overseas for drug offences including eight in China and 46 in Thailand – countries which retain capital punishment (Foreign and Commonwealth Office 2016).
- <sup>3</sup> The Single Convention on Narcotic Drugs of 1961 as amended by the 1972 Protocol, the Convention on Psychotropic Substances of 1971, and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.
- <sup>4</sup> Researchers and activists document to the damages wrought on children and families by harsh drug laws and policies in the USA (Chesney-Lind and Mauer 2003) and around the world (Barrett 2011).
- <sup>5</sup> Conversely, there have been recent calls for the reintroduction of the death penalty in the Philippines, including for drug offences (Cockburn 2016).
- <sup>6</sup> Amnesty International (2016b) notes that the use of the death penalty for terrorism offences is on the rise, including expanding existing legislation to include a wide range of offences seen to undermine the state.
- <sup>7</sup> The main data sources on the death penalty pay scant attention to gender. Amnesty International (2016a), Harm Reduction International (Gallahue and Lines 2010, 2015), and Cornell University Law School (Death Penalty Worldwide 2016), did not publish comprehensive data about the sex of those executed.
- <sup>8</sup> This is the highest recorded figure since 1995, and a 76% increase on the previous year (Amnesty International 2016a, p.47).
- <sup>9</sup> The database was searched for the period 1 January 2007 to 18 April 2017.
- <sup>10</sup> A search of the Nexis database of news sources for mentions of Lindsay Sandiford since her arrest in May 2012 and the end of September 2016 revealed that *Mail Online* had 210 mentions, the highest number. The second highest was the *Gloucestershire Echo*, with 154 (Sandiford had previously lived in Cheltenham), and third was the *Independent* with 112 mentions.
- <sup>11</sup> Our empirical analysis covers this period, but little has changed between completing the analysis and publication.

<sup>12</sup> Available at: <https://www.justgiving.com/fundraising/save-lindsay-sandiford>  
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